

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE LUIS IBARRA-VALLE,
JESUS GUTIERREZ-GARCIA,
JESUS GARNICA-MELGOZA,
HUMBERTO GARCIA,
LEE WALLETTTE, and
TISHA GIRTZ,

Defendants.

NO. CR20-197 RAJ

ORDER CONTINUING
TRIAL DATE AND
PRETRIAL MOTIONS
DEADLINE

This matter comes before the Court on the stipulated motion of the government and Defendants Jose Ibarra-Valle, Jesus Garnica-Melgoza, and Tisha Girtz to continue the trial in this case, and to set a new pretrial motion cutoff consistent with the new trial date. Having considered the motion, the joinders of Defendants Jesus Gutierrez-Garcia, Humberto Garcia, and Lee WalleTTTE, the speedy trial waivers of the six moving defendants, and all the files and records herein, the Court finds and rules as follows:

The facts supporting continuing the trial and excluding the consequent delay are set forth in the Stipulated Motion to Continue, incorporated by this reference, and include the following: (a) the number of defendants charged; (b) the nature of the prosecution, which involves a wiretap investigation into activities in multiple jurisdictions over a

1 number of months; (c) the significant sentences faced by the defendants as currently
2 charged, (d) the volume of discovery, (e) the likelihood of superseding indictments, and
3 (f) the need for defense counsel to have an appropriate period to review discovery,
4 consult with their clients, and prepare a defense.

5 Additional facts supporting continuing the trial and excluding the consequent
6 delay include the following: (a) the COVID-19 pandemic has led the Court to limit the
7 number of jury trials being held and it is unlikely that cases of this size can be tried in the
8 immediate future, (b) COVID-19 pandemic has made it more difficult for counsel to
9 consult with their clients, especially those who are incarcerated, and (c) the COVID-19
10 pandemic delays the ability of defendants to travel to this District. In this regard, the
11 Court adopts the facts set forth in its General Orders, which are incorporated by this
12 reference, issued since the inception of the pandemic.

13 THIS COURT FINDS, pursuant to Title 18, United States Code, Section
14 3161(h)(7)(B)(i) and (ii) that this case and the related cases are sufficiently unusual and
15 complex, due to the combination of the number of defendants, the nature of the
16 prosecution, as well as the existence of novel questions of fact, that it is unreasonable to
17 expect adequate preparation by the parties for pretrial proceedings or for the trial itself by
18 the current trial date, or for the immediate future.

19 THE COURT THEREFORE FINDS that failure to grant the continuance in this
20 case would likely make the continuation of this case impossible and result in a
21 miscarriage of justice, because failing to continue this matter for a considerable period of
22 time would deny counsel for the parties the reasonable time necessary for effective
23 preparation, due to defense counsels' need for more time to review the considerable
24 volume of discovery and evidence produced, and still to be produced, and to consider
25 possible defenses and motions, taking into account the exercise of due diligence.

26 THE COURT FINDS, in light of these factors, that it is unlikely that the parties
27 can be reasonably ready to try this matter before October 18, 2021, at the earliest.
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1 THIS COURT FINDS, pursuant to Title 18, United States Code, Section
2 3161(h)(6) and (7), that this is a reasonable period of delay in that all defendants who
3 have appeared and been arraigned in this district have stipulated to this date. The Court
4 finds that given the complexity of the case, the number of defendants, and the volume of
5 discovery produced, and still to be produced, that more time is, in fact, necessary.

6 THIS COURT FINDS, therefore, that pursuant to Title 18, United States Code,
7 Sections 3161(h)(6) and 3161(h)(7), the ends of justice will best be served by a
8 continuance, and that they outweigh the interests of the public and the defendants in a
9 speedy trial.

10 THIS COURT FURTHER FINDS that all of the additional time requested
11 between the current trial date of and the new trial date is necessary to provide counsel for
12 the defendants the reasonable time necessary to prepare for trial.

13 NOW, THEREFORE, IT IS HEREBY ORDERED that the parties' stipulated
14 motion (Dkt. # 68) is GRANTED. The trial date in this matter is continued from
15 February 8, 2021, to October 18, 2021, at 9:00 a.m.

16 IT IS FURTHER ORDERED that all pretrial motions, including motions in
17 limine, shall be filed no later than September 2, 2021.

18 IT IS FURTHER ORDERED that the time between the date of this order and the
19 new trial date of October 18, 2021, is excluded in computing the time within which a trial
20 must be held pursuant to Title 18, United States Code, Section 3161, et seq.

21
22 DATED this 22nd day of January, 2021.

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25 The Honorable Richard A. Jones
26 United States District Judge
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